

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

WALTER LEE CARUTHERS,

Petitioner,

v.

3:91-cv-031

RICKY BELL, Warden,

Respondent.

**ORDER**

In accordance with the accompanying Memorandum Opinion, the respondent's motion for substitution of counsel is **GRANTED**. Jennifer L. Smith is **SUBSTITUTED** for Glenn R. Pruden as counsel of record for respondent. Petitioner's motion for a certificate of appealability is **DENIED WITHOUT PREJUDICE**. Petitioner's motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure is **GRANTED** to the extent the court will consider the following claim on the merits:

AA. PETITIONER WAS DENIED THE RIGHT TO EFFECTIVE ASSISTANCE  
OF COUNSEL AT THE MOTION FOR NEW TRIAL AND ON APPEAL

**E N T E R:**

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s/ Leon Jordan  
United States District Judge